

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELECTRIC INSURANCE COMPANY, a/s/o
STEVEN BERINGER and PATRICIA
BERINGER,

Plaintiff,

v.

ELECTROLUX NORTH AMERICA, INC.,

Defendant.

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:
: Hon. Faith S. Hochberg, U.S.D.J.
:
: Civil No. 09-3792 (FSH) (MAS)

ORDER

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: Date: May 30, 2012
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HOCHBERG, District Judge:

This matter having come before the Court upon the Report & Recommendation of Magistrate Judge Shipp (Docket # 146) which recommends that this Court “require Defendant to submit a Supplemental Affidavit which provides that all responsive discovery has been served;” and “[t]o the extent Plaintiff claims specific prejudice that cannot be remedied absent sanctions, the Court should permit Plaintiff to oppose Defendant’s *in limine* motions, in part, on the basis that Defendant failed to comply with the Court’s discovery orders by the March 25, 2011 deadline;” and neither party having filed an objection to the Report and Recommendation;¹ and this Court having reviewed *de novo* the Report and Recommendation; and good cause appearing;

¹ Defendant submitted a letter to Judge Shipp on May 23, 2012 (Docket # 148) requesting that His Honor “reconsider [his] recommendation to [the Undersigned] concerning possible sanctions for discovery violations as [his] current Report and Recommendations suggests.” The Court does not consider this submission to be a formal objection to Judge Shipp’s Report and Recommendation since that Report and Recommendation expressly “does not recommend Rule 37 sanctions at this point of the litigation.” May 9, 2012 Report and Recommendation at 8.

IT IS on this 30th day of May, 2012,

ORDERED that the Report and Recommendation of Magistrate Judge Shipp is
ADOPTED as the opinion of this Court; and

IT IS FURTHER ORDERED that Defendant shall submit a Supplemental Affidavit
which provides that all responsive discovery has been served no later than **June 4, 2012**; and

IT IS FURTHER ORDERED that Plaintiff shall submit a Supplemental Affidavit, no
later than **June 8, 2012**, stating with precision the specific prejudice, if any, resulting from
Defendant's failure to comply with its discovery obligations by the March 25, 2011 deadline.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.